

2005 – 2007 REQUEST FOR SPECIAL LANGUAGE IN APPROPRIATION ACT

AGENCY: 0350 Arkansas Building Authority

ACT#: 1211

SECTION#: 11

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER OF FUNDS. Arkansas ~~State~~Building Authority Services may from time to time as may be necessary and in such amounts as may be necessary and with the approval of the Chief Fiscal Officer of the State, request a transfer of funds from the State Central Services Fund to the Arkansas~~—State~~ Building Authority Services Maintenance Fund for operation of the Justice Building for actual expenditures, in an amount not to exceed the dollar amount appropriated in Section 7 for each of the fiscal years. Upon his approval, the Chief Fiscal Officer of the State shall then initiate the necessary transfer documents to reflect the transfer upon the fiscal records of the State Auditor, the State Treasurer, the Chief Fiscal Officer of the State and Arkansas ~~State~~Building Authority Services. The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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AGENCY: 0350 Arkansas Building Authority

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SECTION#: 12

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

CARRY FORWARD-CRITICAL MAINTENANCE. At the close of the fiscal year ending June 30, ~~2004~~ 2006, any unexpended appropriation and funds provided for Critical Maintenance shall be carried forward and made available for the same purposes for the fiscal year ending June 30, ~~2005~~ 2007. The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

RESTRICTIONS. Arkansas ~~State~~Building Authority~~Services~~ shall not demolish the Aegon building but shall retain the building as suitable office space to be used by state agencies, boards, commissions, offices and departments. The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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SECTION#: 14

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER OF FUNDS. The Arkansas ~~State Building Authority Services~~ is hereby authorized, after seeking the approval of the Chief Fiscal Officer of the State and the Arkansas Legislative Council or Joint Budget Committee to request transfer from the appropriation made in Section 5 for Building Maintenance to the APPROPRIATION—ACQUISITION AND MAINTENANCE appropriation in Section 10 and to receive from another state agency that seeks like approvals its authority, appropriation and the transfer of funds to be deposited into the ~~Arkansas State Building Authority Services~~ Real Estate Fund to become part of the APPROPRIATION – ACQUISITION AND MAINTENANCE appropriation, and to be used for any purposes as set forth by law for said Real Estate Fund.

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and the general revenue allocations authorized for each fund and fund account by amendment to the Revenue Stabilization law. Further, the General Assembly has determined that the Arkansas ~~State Building Authority Services~~ may operate more efficiently if some flexibility is provided to the Arkansas ~~State Building Authority Services~~ authorizing broad powers under this section. Therefore, it is both necessary and appropriate that the General Assembly maintain oversight by requiring prior approval of the Legislative

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EXECUTIVE RECOMMENDATION

Council or Joint Budget Committee as provided by this section. The requirement of approval by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of approval by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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EXECUTIVE RECOMMENDATION

~~STATE-ARKANSAS BUILDING AUTHORITY SERVICES~~ CONTINGENCY APPROPRIATION TRANSFER AUTHORITY. The Arkansas ~~State-Building Authority~~Services may transfer appropriation and funds as needed from the Facilities Management Contingency Appropriation in Section ~~15~~ of this Act to any appropriation authorized for the Arkansas ~~State-Building Authority~~Services for the ~~2003-05~~ 2005-07 biennium. The provisions of this section shall be in effect only from July 1, ~~2003~~ 2005 through June 30, ~~2005~~ 2007.

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SECTION#: 17

CURRENT SPECIAL LANGUAGE (WITH AGENCY REQUEST)

EXECUTIVE RECOMMENDATION

TRANSFER TO FACILITIES MANAGEMENT CONTINGENCY APPROPRIATION AUTHORITY. (a) In order to provide a more cost effective method to address the emerging infrastructure needs of Arkansas State Government, appropriations and funds transferred to the Facilities Management Contingency Appropriation are to be used in the event that the Arkansas ~~State Building Authority Services~~ executes one or more building contracts or maintenance agreements with State Agencies, and the appropriations or funds otherwise provided for the Arkansas ~~State Building Authority Services~~ are not sufficient to address those needs, and it is more cost effective for the Arkansas ~~State Building Authority Services~~ to execute these services. Any State Agency may transfer or deposit funds and appropriations to the Arkansas ~~State Building Authority Services~~ - Facilities Management Contingency Appropriation authorized in Section 15 of this Act to execute one or more building contracts or maintenance agreements with said State Agencies. The Arkansas ~~State Building Authority Services~~ shall provide justification to the Chief Fiscal Officer of the State for the need of such appropriations and funds transfers and seek and receive approval of the Chief Fiscal Officer of the State. Arkansas ~~State Building Authority Services~~ shall then seek and receive the approval of the Arkansas Legislative Council or Joint Budget Committee. The requirement of approval by the Arkansas Legislative Council or Joint Budget Committee is not a severable part of the section. If the requirement of approval by the Arkansas Legislative

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EXECUTIVE RECOMMENDATION

Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

(b) The Chief Fiscal Officer of the State shall make the necessary adjustments on his or her books and the books of the Auditor of the State for the transfer or deposit of the funds and appropriations from each State Agency to the appropriation authorized in Section 15 of this Act and to the various Arkansas State Building Authority Services accounts to be used exclusively by the Arkansas State Building Authority Services for each fiscal year of the 2003-2005 2005-2007 biennium.

At the close of the first fiscal year of the biennium any unexpended appropriation for the Contingency item shall be carried forward and made available for the same purpose during the second fiscal year of the biennium. The provisions of this section shall be in effect only from July 1, 2003-2005 through June 30, 2005-2007.

(c) FACILITIES MANAGEMENT CONTINGENCY APPROPRIATION CARRYFORWARD AUTHORITY. There is hereby appropriated, to the Arkansas Building Authority, to be payable from revenues collected and transferred to the Arkansas Building Authority for any program as set within this section, as designated by the Chief Fiscal Officer of the State, for use in responding to infrastructure needs of Arkansas State Government, for the biennial period ending June 30, 2007 in the sum of \$250,000.

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EXECUTIVE RECOMMENDATION

POSITION POOL. To address the emerging infrastructure needs of Arkansas state government, the Arkansas State Building Authority Services shall establish and maintain for the ~~2003-2005~~ 2005-2007 biennium a pool of twenty (20) classified positions, payable from funds appropriated herein for such purposes. These positions are to be used in the event the Arkansas State Building Authority Services executes one or more building contracts or maintenance agreements with state agencies, and the number and level of positions regularly authorized for the Arkansas State Building Authority Services are not sufficient to address these needs. The Arkansas State Building Authority Services shall provide justification to the Department of Finance and Administration's Office of Personnel Management (OPM) for the need to allocate titles from this position pool. No classifications will be assigned to the pool until such time as specific positions are requested and justified by the Arkansas State Building Authority Services, recommended by OPM and approved by the Arkansas Legislative Council. The Arkansas State Building Services Authority may transfer positions from this pool to any appropriation/pay schedule the agency currently maintains or any appropriation/pay schedule the agency receives for the ~~2003-2005~~ 2005-2007 biennium. If the agency requests continuation of a "Growth Pool" position(s) as established herein during the next biennium, the position(s) must be requested as a new position(s) in the agencies biennial budget request. Determining the number of personnel to be employed by a state agency

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EXECUTIVE RECOMMENDATION

is the prerogative of the General Assembly and is usually accomplished by delineating the maximum number of personnel by identifying job titles and the maximum grade or salary attached to those titles. The General Assembly has determined that the Arkansas State Building Authority Services could be operated more efficiently if some flexibility is given to that agency. That flexibility is being accomplished by providing growth pools as in the section and since the General Assembly has granted the agency broad powers under the growth pool concept, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the growth pool by requiring prior approval of the Legislative Council in the utilization of the growth pool. Therefore, the requirement of approval by the Legislative Council is not a severable part of this section. If the requirement of approval by the Legislative Council is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.